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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,056	04/18/2001	Roger P. Hoffman	P/2-93	9175

7590 01/13/2006

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EXAMINER	
WEBB, JAMISUE A	

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/837,056	HOFFMAN, ROGER P.	
	Examiner	Art Unit	
	Jamisue A. Webb	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) *1-8* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Claims 9-14 in the reply filed on 10/25/05 is acknowledged. Claims 1-8 are withdrawn from consideration.

Specification

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:
(1) if a machine or apparatus, its organization and operation;
(2) if an article, its method of making;
(3) if a chemical compound, its identity and use;
(4) if a mixture, its ingredients;
(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. The abstract of the disclosure is objected to because the abstract is a one sentence statement of the subject matter of the application, but does not disclose a concise description of the invention. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. With respect to Claim 12: the phrase "indexing when said sample is received from a company" is indefinite. The claims have not previously stated that the sample was received, merely sent to a customer. Therefore it is unclear to the examiner where they are being received and who receives them.

7. With respect to Claim 13: the phrase "tracking number of samples stored" is indefinite. The claims have not positively claimed that the samples are being stored, therefore it is unclear how they are being tracked.

8. With respect to Claim 14: the phrase "to potential customers of said facilities users" is indefinite. It is unclear who is using the facility and who the potential customer is, is it potential customers of the facility, or potential customer of the companies which store samples in the facility?

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 9-11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (5,291,395) in view of Westbury et al. (6,873,963).

11. With respect to Claim 9: Abecassis discloses the use of a method for storing samples comprising the steps:

a. Providing identification numbers to each sample (Column 2, lies 47-53 and Column 3, lines 44-47);

b. Storing information about samples (column 3, lines 52-57); and

c. Sending samples to customer along with information about samples (column 9, lines 11-19).

12. Abecassis discloses that the samples can be mailed from a warehouse, however fails to disclose tracking delivery of the samples from a facility where it is stored to a final destination. Westbury discloses the use of a shipment tracking analysis and reporting system, that tracks a shipment to its final destination (Column 2, lines 43-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Abecassis to include the tracking function of Westbury, in order to provide estimated arrival times for shipments and to evaluate performance of suppliers and carriers (See Westbury, column 2).

13. With respect to Claim 10: Westbury discloses estimating the estimated times of arrival of shipments (See abstract).

14. With respect to Claim 11: Westbury discloses the tracking system tracks shipments and notifies each party in the shipping transaction of tracking data, such as estimated time of arrival, (Column 3, lines 37-48).

15. With respect to Claim 13: Abecassis disclose the database storing information for each sample, and whenever a user receives the same (the examiner considers this to be tracking of the samples that are stored, Column 3, lines 29-37), Abecassis does not explicitly disclose informing a company when samples need to be replenished in the facility. While Abecassis does not disclose informing a company when samples need to be replenished in the facility, Official notice is taken that informing a supplier of low inventory in order to the inventory to be replenished is old and well known. When a store or a retailer is out of stock of an item, the retailer must contact the supplier to order more items, therefore notifying the supplier to replenish the inventory. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to inform a company when the samples need to be replenished. One would have bee motivated to inform a company when inventory levels are low, so that the inventory does not run out ad become out of stock.

16. With respect to Claim 14: Abecassis discloses a brochure is sent to the customer, which the examiner considers to be collateral material (column 3, lines 53-66).

17. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (5,291,395) and Westbury et al. (6,873,963) in further view of Maggard et al. (6,021,362).

18. With respect to Claim 12: Abecassis discloses storing information about the samples in a database, but does not specifically disclose that information containing when the sample is no

longer viable. Maggard discloses the use of the items containing expiration dates of the samples, i.e. how long they are viable, (Column 11, lines 49-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Abecassis to include expiration dates of the samples, as disclosed by Maggard, so that expired or outdated samples are not being dispensed or given to consumers (See Maggard, Columns 11 and 12).

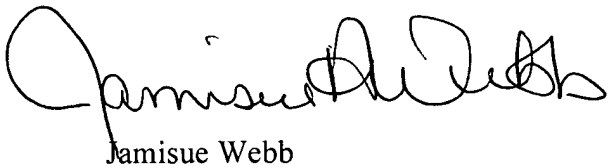
Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lucas (US 2005/0197929) and Salvo et al. (6,341,271) disclose the use of a system for inventory control and management that monitors inventory levels of manufacturers and suppliers, Rogers (US 2001/0042024) discloses the use of a system which uses storage facilities for goods to be picked up by consumers, and IMS Health (Business Wire Article, Strategic technologies...) discloses the use of managing samples of prescription drugs, from storage to providing samples to consumers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (571) 272-6811. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamisue Webb

Patent Examiner

Art Unit 3929